

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EXPORT DEVELOPMENT CANADA

Plaintiff,

- against -

EAST COAST POWER & GAS, LLC,

Defendants.  
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**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 2/26/2024

21-CV-3758 (NRB) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order resolves EDC's letter motion to compel and for fees at Dkt. 67. The application is denied. As EDC acknowledges, the Court ordered at Dkt. 62 that if East Coast is not withholding documents on the basis of any objection other than privilege, then East Coast must so represent in writing. The very reason for that directive is that East Coast's privilege log serves the purpose of identifying any documents being withheld on the basis of privilege. Since East Coast has asserted that it has not withheld any documents based on any objection other than privilege, it has fulfilled its obligation. There was and is no obligation for EDC to identify the specific document request(s) to which the purported privileged documents may be responsive. To be clear, however, that does not absolve East Coast of its obligation to provide sufficient description in its privilege log of the documents withheld.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: February 26, 2024  
New York, New York

Copies transmitted this date to all counsel of record.